

Environmental Performance Partnership Agreement: 2002-2003

May 2002

Massachusetts Department of Environmental Protection

U.S. Environmental Protection Agency
New England



States and USEPA propose a new environmental partnership that will encourage continuous improvement and foster excellence in state and federal environmental programs. This new approach will reflect the advances made in environmental protection in the United States over the past two decades and recognize that existing policies and management approaches must be modified to ensure continued environmental progress. We must direct scarce public resources toward improving environmental results, allow states greater flexibility to achieve those results, and enhance our accountability to the public and taxpayers.

--Joint Commitment to Reform Oversight and Create a National Environmental Performance Partnership System, May 17, 1995

partnership, *n.* *The state or condition of being a partner*

partner, *n.* *One who is associated with another in a shared activity*

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I. Introduction

Description and Purpose	<p>The National Environmental Performance Partnership System (NEPPS) represents an evolving approach to the federal-state relationship in environmental protection. Its intent is to develop a system that is based upon environmental goals and measures of success and allows states maximum operating flexibility to accomplish their environmental priorities. It also promises less federal oversight of state programs that have demonstrated strong performance and capability.</p>
Parties to the Agreement	<p>This agreement is entered into by the Regional Administrator of EPA New England and by the Commissioner of DEP. It will guide the working relationship and activities of both agencies during 2002 and 2003¹. It reaffirms our commitment to work together to identify and reduce both internal and external barriers to moving towards a fundamental change in how DEP and EPA New England work together.</p> <p>While this agreement is between DEP and EPA, we recognize the significant role that communities, environmental and public interest groups, industry and business associations, and community- and watershed-based organizations play in meeting environmental goals.</p>
Scope of the Agreement	<p>For the purposes of this agreement and in order to present a comprehensive overview of DEP's efforts to protect the environment, the goals and milestones presented in this document represent all of DEP's programs which receive some funding from EPA. Federal funding represents approximately 25 percent of DEP's total operational budget.</p>
Covered Grants	<p>It is anticipated that the number of grants and cooperative agreements to be covered by this and successor documents will continue to grow. Ultimately all of EPA's funding to DEP will be provided through this process. EPA program grants combined under this agreement are:</p> <ul style="list-style-type: none">• Clean Air Act, Section 105• Clean Water Act, Section 106 (Water Pollution Control); Section 319 (Nonpoint Source Management; Section 104(b)(3) (Water Quality and Wetlands))• Resource Conservation and Recovery Act (RCRA), Section 3011• Safe Drinking Water Act (SDWA), Section 1443(a)(1)• Safe Drinking Water Act, Underground Injection Control, Section 1443(b), and• Pollution Prevention Incentives for States (PPIS).
Additional Issues for Discussion	<p>In developing a final agreement for 2002-2003, both agencies acknowledge that additional work is needed on the following: issues related to compliance and enforcement data, identification of assistance from EPA in state protection priorities and initiatives, burden reduction and communication issues between EPA and DEP.</p>

¹ **Note:** Throughout these documents, "2002" means Federal Fiscal Year 2002 (October 1, 2001 to September 30, 2002) and "2003" means Federal Fiscal Year 2003 (October 1, 2002 to September 30, 2003.) The same convention is used when other fiscal years are referenced.

II. Priorities, Initiatives, Strategic Directions and Values

Overview

While there have been improvements over the last 25 years in addressing pollution in the Commonwealth, we still have important work to do. In facing the challenges of the next century, we will continue to build on our successes, learn from our experience, and turn our focus to programs aimed at ensuring lasting environmental results for the Commonwealth.

Priorities and Initiatives

A few of the key initiatives in 2002 and 2003 are:

- **Community Preservation.** DEP will play an important role in this major initiative of the Massachusetts Executive Office of Environmental Affairs. For example, the Brownfields Initiative is a major element of Community Preservation, encouraging development to occur where development and infrastructure already exist, preserving and protecting open space and other natural resources. Additionally, by contributing valuable data and information about important resources, DEP will assist communities to define and sustain a vision that preserves and enhances their quality of life.
 - **Pollution Prevention.** DEP must not only continue our strong regulatory programs, but also promote the use of innovative technology, strategic partnerships, and proactive approaches such as environmental management systems, to prevent pollution before it happens. Elements of this theme include:
 - ✓ Innovative technologies
 - ✓ Regulatory innovations (such as performance standards)
 - ✓ Environmental Management Systems
 - ✓ Researching behavior change strategies
 - ✓ Developing market incentives, and
 - ✓ Strategic partnerships.
 - **Compliance and Enforcement.** As the backbone of our agency, DEP will continue to promote a strong, integrated and strategic compliance and enforcement program, incorporating technical assistance and aggressive enforcement, crucial for successful environmental protection. Elements of this theme include:
 - ✓ Technical assistance
 - ✓ Information dissemination
 - ✓ Targeting of priority areas and sectors, and
 - ✓ Improved measures of success that focus on environmental outcomes.
-

II. Priorities, Initiatives, Strategic Directions and Values, continued

Priorities and Initiatives (continued)

- **Sustainable Environmental Compliance.** The best way to ensure environmental compliance is for all of us to see environmental protection not just as what DEP does, but as a common goal, as something we all do. We need to incorporate environmental thinking into day-to-day systems of how we operate as individuals, businesses, municipalities, and agencies within the Commonwealth. We will lead by example, work to provide technical assistance and public outreach, and encourage and reward the development and implementation of environmental management systems to ensure that compliance is not just measured as a snapshot picture in time, but rather that compliance is lasting and sustainable and achieves real environmental results.
- **Management Systems for Environmental Excellence.** As DEP continues to implement its mission, we are committed to developing and enhancing our own expertise, skills, and management capability to ensure that DEP is a unified agency using consistent practices to communicate, reach decisions, and deliver the best environmental results. Elements of this theme include:
 - ✓ Enhancing our environmental performance
 - ✓ Building our skills and expertise
 - ✓ Incorporating management tools into our daily work, and
 - ✓ Promoting cross-bureau and region integration.
- **Additional Priorities.** DEP and EPA agree to continue a dialogue for defining, developing or implementing the following activities:
 - ✓ A multimedia evaluation methodology for POTWs
 - ✓ Air monitoring Technical Systems Audit of 2001
 - ✓ Innovative strategies to improve the way we do business, including RCRA authorization
 - ✓ A more aggressive diesel pollution prevention strategy, and
 - ✓ A water monitoring strategy as part of a process to achieve and better measure environmental improvements in our water resources.

Strategic Directions

In order to adapt to the changing nature of environmental protection, DEP is pursuing the following strategic directions:

- Continue to develop and implement new approaches to achieve environmental protection
- Promote and encourage the use of environmental management systems by leading by example and educating and raising awareness
- Maintain and improve environmental protection while increasing flexibility for the regulated community, and
- Work with communities and nongovernmental organizations to further develop their capacity and expertise as partners in environmental protection.

II. Priorities, Initiatives, Strategic Directions and Values, continued

Strategic Directions (continued)

- Work with the regulated community and trade associations to increase education about, awareness of, and feedback on environmental regulatory programs
 - Continue to build on DEP's nationally recognized reputation for successful innovation in environmental protection to achieve new levels of flexibility from the federal government
 - Increase staff awareness of environmental equity, and further integrate environmental equity objectives into DEP's programs and policies
 - View information as an essential resource necessary to make sound environmental decisions, and
 - Improve public access to information about issues, regulatory requirements, DEP's environmental protection strategies, and environmental conditions.
-

Core Values

As we move forward in these strategic directions, we will remain committed to DEP's core values:

- More protection, less process
- Customer service
- Innovation, and
- Professional respect and courtesy.

These core values will:

- Permeate the organization
 - Drive decisions, and
 - Be monitored.
-

III. Strategic Investments and Innovation

Investing in Innovation and Capacity Building

DEP and EPA New England recognize the need to make resource investments to develop new strategies and new ways of doing our work to meet emerging environmental protection challenges and improve our capacity to accomplish our agencies' environmental protection mission. This includes sustaining and improving critical existing core program work as well as making investments in new strategies to address emerging challenges.

To fulfill this need, DEP and EPA management commit to promoting innovation by providing the work environment, the institutional infrastructure and the resource commitments necessary to sustain innovative work and capacity building.

Creating a Work Environment to Support Innovation

DEP and EPA management will proactively support the following key practices to create and sustain an innovative work environment:

- Encouraging staff and managers at all levels of our agencies to adopt a dynamic problem solving approach that embraces non-conventional approaches for achieving environmental results
 - Fostering experimentation by expressly acknowledging that making mistakes is part of the experimentation and learning process
 - Communicating to agency staff and external stakeholders the opportunities and challenges of the agencies' innovation projects
 - Allowing sufficient time for innovations to evolve and to be appropriately evaluated
 - Placing innovative programs and projects on an equal footing with established traditional core programs, and
 - Ensuring that the measures for the success of an innovation is equivalent to, and not substantially higher than, the measures for existing programs.
-

Mainstreaming Innovation into Agency Processes

DEP and EPA are committed to fully integrating innovation and capacity building projects into the planning, resource allocation and evaluation processes of each agency and expressly as part of the agencies' Performance Partnership Agreements. With respect to the planning process, the Agencies agree to take specific actions to foster innovation, including:

III. Strategic Investments and Innovation, continued

Mainstreaming Innovation into Agency Processes (continued)

- Actively seek potential innovation projects and identify them as part of the ordinary program planning and PPA planning activities of DEP and EPA
 - Hold periodic meetings with staff to promote “bottoms up” innovation and capacity building ideas
 - Expressly incorporating planned innovation and capacity building projects into the agencies’ annual plans, the PPA and related implementation plans, and
 - Expressly granting relief on agreed upon outputs.
-

Strategic Resource Investments and Disinvestments to Support Innovation

In an organizational environment where new funds are often not available to allow significant new resource investments for capacity building or innovation work, it becomes necessary to consider temporary disinvestments from existing work to proceed with these efforts. **These disinvestments are specifically set forth in the last part of Section III (“What activities will occur in FFY 2002-2003”). Other future disinvestments, if any, will be negotiated between DEP and EPA and set forth in an amended version of this PPA.** It may also be necessary to assemble teams of specialists from many different existing program areas to successfully undertake this work.

Once DEP and EPA have agreed upon capacity building or other innovative work as set forth in this PPA (or future amendments to this PPA), DEP and EPA will also consider and come to agreement on:

- The level of resources necessary to conduct and evaluate innovation and capacity building projects
 - Any specific disinvestments from existing work that will be required to accomplish this new work
 - Any cross-program reassignments that may be needed to support and complete a project, and
 - The roles and responsibilities of each agency to support identified projects.
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III. Strategic Investments and Innovation, continued

Measuring Innovative Work

As with any significant investment of limited agency resources, DEP and EPA are committed to measuring, evaluating and learning from all innovation and capacity building projects. To accomplish this, the agencies agree to the following:

- Each identified innovation or capacity building project will include a measurement and evaluation component
 - The agencies will strive to include higher level environmental outcome measures whenever possible, but also may employ activity counts and other performance measures as appropriate
 - The agencies may support projects that do not have easily attainable short-term measures, but may require longer-term measures or the creation of new types of measurement approaches, and
 - At the conclusion of each innovation project, an evaluation will be performed to record the lessons learned from the project and to make recommendations for next steps to continue or expand the innovation, apply it to other areas of agency work or discontinue the project, as appropriate.
-

What activities will occur in FFY 2002–2003?

DEP and EPA plan to undertake the specific innovations as identified below during FFY 2002–2003:

Category 1: Improvements to Existing Core Program Work

Project Description:

- Participate in the DEP and EPA Partnership to diffuse the Massachusetts Environmental Results Program (ERP) to other states
 - Conduct the outcome measurement analyses described in the EPA OECA grant
 - Develop the ERP automation plan under the EPA OPEI grant
 - Participate in the Massachusetts E-Government on-line filing project
 - Implement Municipal Stewardship project under the EPA OECA grant, and
 - Continue the BWP management improvement project including the operating model, learning and development, communication and data management sub-projects.
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III. Strategic Investments and Innovation, continued

What activities
will occur in FFY
2002–2003?
(continued)

Category 2: Innovation or Capacity Building Projects

Project 1 Description:

In the short term, Massachusetts and EPA agree to work together to explore approaches which would allow Class A recyclers to no longer be required to count wastes that are recycled toward RCRA generator status. The anticipated approach to this issue will be a request by Massachusetts for EPA to authorize the Massachusetts rules under the ECOS process. This provision is intended to create an incentive to recycle rather than treat or dispose of this material.

Project 2 Description:

DEP and EPA agree to work together to streamline the RCRA Authorization process. EPA's approach to RCRA authorization currently entails conducting line-by-line reviews of state vs. federal Hazardous Waste Regulations. The agencies agree to proactively pursue both a short-term strategy to facilitate the authorization of a pending 267-page regulation update package and a long-term strategy to permanently streamline the authorization review process.

EPA's approach to RCRA Authorization results in DEP and EPA spending inordinate amounts of resources to conduct line-by-line analyses, when it is generally agreed that Massachusetts operates a very capable hazardous waste program. In many ways, the Massachusetts program exceeds federal standards in both how it regulates and the amount of waste it regulates.

Massachusetts intends to work with EPA to explore three approaches to current and future RCRA authorization approvals:

- Massachusetts believes that its rules are legally equivalent to the federal rules and that EPA has too narrowly interpreted its own regulations for authorizing state regulations. Massachusetts believes there are precedents for EPA using more flexible authorization reviews under other programs (e.g. the CAA, Section 112(l) MACT delegation review for the ERP dry cleaner record retention issue).
 - But in any event, Massachusetts believes that its rules are functionally equivalent to the federal rules. We believe EPA should consider the totality of the Massachusetts rules and program accomplishments to determine equivalence rather than relying solely on a line-by-line review.
 - EPA may also authorize the Massachusetts rules under the ECOS process by granting flexibility. DEP intends to present information similar to each of the ECOS flexibility criteria, and will emphasize the overall capability of the Massachusetts hazardous waste program. DEP will commit to continue to measure actual performance results.
-

IV. Compliance and Enforcement

Approach	<p>DEP and EPA New England believe that strong, creative and uncompromised compliance and enforcement programs, incorporating aggressive enforcement components, are crucial for successful environmental protection. We believe that the NEPPS helps both agencies move toward more holistic compliance and enforcement approaches that encourage creativity and innovation in achieving environmental protection goals.</p>
Commitment	<p>DEP and EPA New England are committed to:</p> <ul style="list-style-type: none">• Coordination in targeting inspections• Coordination in providing outreach and assistance to individuals, communities, businesses, governmental agencies, and educational institutions to ensure that environmental protection requirements are clear• Timely and predictable enforcement• Appropriate penalties that make violations more costly than compliance in order to deter future noncompliance• Publicity about compliance and enforcement activities to ensure that those subject to regulation are aware that violators are penalized• Pursuing efforts and strategies to promote sustainable compliance, and• Seeking new measures of environmental improvement from compliance and enforcement efforts.
Basis of Compliance and Enforcement	<p>We believe that compliance and enforcement programs must be based upon:</p> <ul style="list-style-type: none">• Requirements that are enforceable• Promoting sustainable environmental compliance in the regulated community• Monitoring for compliance• Identifying violations• Responding consistently to violations through enforcement actions that require appropriate changes to achieve compliance, prevent future noncompliance, promote going beyond compliance, and compel remediation of any harm caused by noncompliance• Preventing future violations through deterrence• Clear articulation of local, state, and federal roles and responsibilities• Committing adequate staff resources, guidance, and training to compliance and enforcement• Evaluating program results, and• Holding managers and staff accountable for success.

IV. Compliance and Enforcement, continued

Tools for Compliance Promotion

A variety of compliance promotion tools are available to DEP and EPA New England. They can be used individually or in combination depending on the patterns of behavior among those found to be in noncompliance, and the degree to which lack of attention to regulatory requirements is identified within certain industries or geographical areas.

Priorities and Strategies

In an effort to address a broad range of enforcement problems effectively and efficiently, DEP and EPA New England have been developing more comprehensive and targeted compliance and enforcement priorities and strategies, including:

- Targetting sources that represent a significant risk to human health and the environment
- Targetting geographic areas for enhanced compliance assurance and enforcement activity (e.g. specific watersheds, communities, or urban neighborhoods)
- Targetting pollution sources that may not be significant individually but together pose a substantial threat to the environment (such as nonpoint sources)
- Targetting pollution sources that are regulated but have not notified or obtained permits are not in our regulated universe
- Developing comprehensive compliance and enforcement strategies targeting sectors in which noncompliance is known to be widespread or where there are opportunities to achieve significant pollution prevention. These often include a combination of technical assistance, intensive educational efforts and strong follow-up enforcement aimed at those who have refused to avail themselves of the opportunity to do the right thing
- Targetting pollution sources with multimedia impacts on the environment
- Piloting new ways of measuring compliance, and
- Promoting awareness and understanding of environmental management systems as tools to achieve and sustain compliance.

Regardless of how a compliance problem is targeted or which compliance assurance strategy is used to address it, enforcement is an essential complement to every compliance assurance initiative. With the threat of follow-up enforcement, regulated entities have heightened incentives to take advantage of programs designed to help them achieve (and go beyond) compliance.

IV. Compliance and Enforcement, continued

Long Term Goals

Our intent is to move toward compliance and enforcement approaches that encourage creativity and innovation in achieving environmental goals. To that end, this agreement focuses on outcomes more than activities or processes. DEP and EPA New England intend to achieve:

- Prompt correction of violations and remediation of harm that threatens the Commonwealth's environment or citizens
 - Widespread compliance with environmental laws, both to protect human health and the environment, and to ensure that those who violate the law do not obtain economic benefits from their unlawful activities
 - Improved pollution prevention in the regulated community, and
 - Sustainable regulatory compliance and 'beyond compliance' through the use of such tools as environmental management systems and market incentives.
-

V. Compliance and Enforcement Expectations

Adequate Compliance Monitoring Capacity

The key elements of a compliance and enforcement program include:

- Inspection and compliance monitoring programs at the state and federal levels that adequately identify significant noncompliance, and
- Maintaining a sufficient, qualified inspector field presence to effectively encourage regulated entities to comply with environmental laws and regulations.

DEP and EPA New England are committed to maintaining and improving the capacity to adequately monitor compliance with environmental requirements.

Adequate Capacity for Enforcement Response

The authority and capacity to respond to noncompliance are crucial elements of a strong enforcement program. DEP and EPA New England are committed to enforcement responses which:

- Neutralize any economic benefits of noncompliance
- Assess penalties which reflect the severity of the noncompliance in order to deter future noncompliance
- Encourage the inclusion of alternative penalties or supplemental environmental projects where appropriate, and
- Change behavior and motivate the regulated community to prevent pollution.

We are committed to developing written state and federal enforcement policies with input from each other. DEP is committed to the use of streamlined and innovative enforcement tools.

Assistance as a Compliance Tool

As previously discussed, outreach and assistance are tools to promote compliance. DEP and EPA New England will continue to explore and evaluate:

- Combinations of compliance assistance and strong follow-up enforcement to achieve compliance, and
- Ways to better measure and articulate the results of such compliance tools.

DEP and EPA New England will communicate on a regular basis regarding joint strategies to target sectors for compliance assistance and to measure and evaluate the success of such efforts.

IV. Compliance and Enforcement Expectations, continued

Communications between DEP and EPA

We are committed to continuing to identify federal and state environmental enforcement priorities and to generating joint or coordinated compliance and enforcement strategies. We are committed to better communication in discussing and resolving:

- Issues related to EPA/DEP databases which include enforcement data
- System-wide enforcement issues EPA may identify in Massachusetts
- Issues relating to enforcement policies, regulations, and enforcement program development
- Issues relating to state implementation of federal “significant violator” policies for EPA’s water, air, and hazardous waste programs
- Issues relating to the value of DEP’s program imperative to conduct multimedia compliance and enforcement where pollution prevention is a significant benefit
- Issues relating to flexibility to continue experimentation in new measures of success
- Issues relating to maintaining single media expertise, and
- Alternative indicators of compliance and performance.

In an effort to improve the interaction between EPA and DEP on enforcement-related matters, we are committed to continue to improve communications and coordination, whether through meetings and/or other methods.

EPA and DEP’s Bureau of Waste Prevention will continue a project begun in 1999 to better coordinate compliance and enforcement. Five issues identified for further discussion in 2000 and 2001 include communication; planning; enforcement coordination; innovation; and data management.

Multimedia Inspection and Enforcement Capacity

While we are committed to multimedia inspections, single media inspections will continue as appropriate. We are committed to the identification, referral, and follow-up of environmental problems during single media investigations or inspections.

As an important tool to “achieve clean water and protect aquatic ecosystems,” DEP anticipates conducting over 2,400 inspections in 2002. In order to “prevent and manage waste,” DEP anticipates conducting 755 inspections at industrial facilities, 1,170 asbestos inspections, over 400 solid waste inspections, and over 1,700 reviews of certifications, reports, and other submittals. Similarly, in working to “clean up waste sites,” DEP anticipates conducting over 1,300 inspections.

VI. Quality Assurance/Quality Control (QA/QC)

Uses of Environmental Data

DEP and EPA New England recognize that environmental information is crucial to environmental protection efforts. Environmental information is used to:

- Identify regional, local, and site-specific pollution problems
- Investigate the source(s) of pollution
- Make program or technical decisions
- Assess damages to natural resources
- Gauge compliance with permits and environmental regulations
- Document progress of environmental programs and actions
- Support DEP and EPA criminal and civil enforcement actions, and
- Characterize potential risks to public health.

DEP is committed to improving the quality of information being used for environmental decision-making, whether the information is generated by DEP or by others (e.g., regulated parties, consultants, laboratories). DEP is committed to ensuring that the quality of information is appropriate for use in environmental decisions.

Quality Assurance Management Program

In order to ensure that all data generated under this agreement will be of known and documented quality suitable for their use as environmental indicators and program outcomes and outputs, DEP and EPA New England will maintain a quality assurance management program. DEP has designated one individual as the quality assurance officer for this agreement. This person is responsible for:

- Developing a Quality Management Plan (QMP) for DEP in accordance with *EPA Requirements for Quality Management Plans (EPA QA/R-2)*, March 2001
- Ensuring that quality assurance project plans completed by DEP or DEP's grantees and contractors meet the *EPA Requirements for Quality Assurance Project Plans (EPA QA/R-5)* and are completed and approved prior to data collection activities
- Coordinating quality assurance efforts among the bureaus, programs, and offices at DEP
- Overseeing the planning, implementation and assessment of environmental quality assurance programs
- Overseeing the planning, generation, evaluation and reporting of data associated with quality indicators, and
- Reviewing and updating the approved DEP Quality Management Plan (QMP) annually to identify any changes to the quality system and submit a revised QAPP list (Table 1 of the QMP) to EPA.

EPA New England's Quality Assurance Office will continue to work with DEP by providing guidance, training, and technical support.

VII. Reporting and Evaluation

Communi- cations

It is crucial that DEP and EPA maintain communications to document and evaluate progress being made, identify problem areas, adjust priorities and strategies as needed, prevent conflicts, resolve issues, and identify areas of environmental or public health needs for more focus in subsequent agreements.

Reporting to National Data Bases

Reporting of program data required by federal programs will continue under this agreement as DEP and EPA continue discussions about state reporting requirements to national databases. Of particular interest to DEP and many states is the need to vigorously scrutinize existing state reporting requirements to the national databases. DEP and other states feel that many of the detailed programmatic reporting requirements are meaningless and should be deleted or amended to make them meaningful to EPA, the states, and the public. DEP and EPA New England commit to a joint pilot project, perhaps in conjunction with other New England states, to review a set of reporting requirements and recommend that they are kept, amended, or dropped.

State Partnership on Burden Reduction

EPA, nationally and on a regional basis, is engaged in efforts with states to identify and address opportunities to reduce reporting burden. DEP is interested in pursuing the following projects which will reduce the resources needed to complete reports and focus resources on more meaningful collection and use of environmental and programmatic information.

1. Reducing quarterly reports to semiannual reports:
 - CERCLA (federal Superfund), and
 - Underground Injection Control (UIC).
 2. Flexibility/Streamlining:
 - 305(b) Reporting.
 3. Ensuring future reporting requirements are meaningful and flexible:
 - Clean Air Act Compliance Monitoring Strategy.
-

Reporting on Progress

DEP will prepare brief summary mid-year progress reports by June 1, 2002 and June 1, 2003. These reports will briefly summarize the status of federal grant expenditures as of the time of the report, on a grant basis only. Final Progress Reports, summarizing activities and progress made towards meeting environmental goals, will be prepared by December 1, 2002 and December 1, 2003. These will include a description of the environmental indicators, milestones, strategies and efforts conducted each year and information classified as state reporting requirements in the "Environmental Performance Core Measures Guidance." Any amendments to this agreement, based on changed priorities, will be included in the Final Progress Report for 2001. In addition to the Final Progress Report for 2001, prior to August 31, 2002 DEP will provide a list of major activities and milestones for FY 2003 which are not included in the 2002-2003 PPA, to be resolved between the agencies prior to FY 2003.

VIII. Public Involvement

Importance of Public Involvement in Environmental Protection

The active and meaningful involvement of DEP's and EPA New England's many stakeholders and the general public is critical to the success of the environmental protection efforts described in this agreement.

Existing Advisory Committees and Outreach Activities

We will continue to use discussions with several of DEP's advisory committees and discussions with environmental leaders in two major ways: (1) to develop priorities and strategies which are reflected in this agreement, and (2) to solicit feedback on the priorities, strategies and indicators in this agreement. These advisory committees include:

- Fees and Program Improvements Advisory Committee
 - Lab Advisory Committee
 - Drinking Water Advisory Committee
 - State Implementation Plan (SIP) Steering Committee
 - Hazardous Waste Advisory Committee
 - Waste Site Cleanup Advisory Committee
 - Clean Water Advisory Committee, and
 - Solid Waste Advisory Committee.
-

Additional Activities

We will explore ways to extract and repackage information in this PPA and Self Assessment for dissemination and discussion through the World Wide Web (www.state.ma.us/dep, look under Publications, then Division of Strategic Policy and Technology), workshops, and other outreach efforts. DEP has held meetings with advisory committees to discuss the 2002-2003 PPA, as well as holding a "DEP Day" in June to solicit ideas from stakeholders.

We are committed to providing opportunities for the general public and other interested parties to be involved in reviewing last year's progress, and developing future agreements.

Many states have been experimenting with and struggling with ways to solicit public involvement in the development of performance partnership agreements. DEP and EPA New England seek ideas to make draft and final PPAs and Self Assessments more readable and usable and the subject of meaningful discussions.

IX. Environmental Protection Goals

Overview of Goals

This section describes DEP's specific environmental goals for achieving its overall mission to protect public health and the environment. These specific environmental goals are:

- Achieve Clean Water and Protect Aquatic Ecosystems
 - Prevent and Manage Waste, and
 - Clean Up Waste Sites.
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Achieve Clean Water and Protect Aquatic Ecosystems

Achieving and maintaining clean water is critical so that existing and potential groundwater and surface water supplies are suitable for drinking and that all other surface waters are safe for fishing, swimming, and shellfish harvesting. Clean water requires that rivers, lakes, and ponds meet water quality standards set by the EPA under the Clean Water Act, and that public water supplies meet all drinking water standards set by the EPA under the Safe Drinking Water Act. To achieve the standards, water must be protected from a host of nonpoint and point sources of pollution. DEP has developed a number of programs to ensure that water quality and drinking water standards are met. These programs are woven together through a watershed approach that includes resource evaluation, priority-setting, and protection.

Protecting and enhancing the quality of wetlands throughout Massachusetts is critical given the benefits of wetlands. These benefits include:

- Helping to clean drinking water supplies and surface waters by filtering pollution
- Protecting adjacent areas from flooding and storm damage, and
- Supplying food (especially fish and shellfish), wildlife habitat, and recreational opportunities.

Illegal and incremental filling of wetlands are the most significant threats to wetlands today. These threats need to be eliminated in order to protect public health and the environment.

The goal to Achieve Clean Water and Protect Aquatic Ecosystems includes:

- Ensure that every public water supply consistently provides water that is safe to drink
 - Reduce, eliminate, and/or control both point and nonpoint discharges to surface and groundwater, and
 - No net loss of wetlands.
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IX. Environmental Protection Goals, continued

Prevent and Manage Waste

Pollution prevention and the safe management of waste streams are crucial in order to protect and enhance the quality of the Commonwealth's resources. DEP uses a facility-wide, multimedia approach to prevent and manage waste which incorporates a waste management "hierarchy":

- Source reduction (less waste per unit of production)
- Recycling/reuse, and
- "End-of-the-pipe" controls to ensure the proper management of waste streams not otherwise amenable to other approaches.

The Prevent and Manage Waste goal includes:

- National Air Strategy (Ensure Massachusetts citizens have clean air to breathe)
 - Pollution Prevention, and
 - Safe Waste Management.
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Clean Up Waste Sites

The goal of DEP's waste site cleanup efforts is to protect public health, safety, public welfare and the environment from the dangers posed by uncontrolled sources of contamination.

DEP's Clean Up Waste Sites goal includes:

- Maximize risk reduction
 - Facilitate the cleanup of brownfields sites
 - Increase the rate of cleanup actions
 - Ensure the quality of cleanup actions
 - Ensure the sound closure of unlined landfills, and
 - Ensure the sound closure and cleanup of contaminated sites at licensed and interim-status hazardous waste treatment, storage and, disposal facilities.
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X. Organization and Format of the Agreement

Introduction

The main purpose of the National Environmental Performance Partnership System is to focus the attention of government agencies and the public on overall environmental protection goals and the actual results of efforts to achieve them, not on government programs and the number of actions they take.

The 2002-2003 PPA is organized around environmental goals, baseline conditions, milestones, and activities as defined in Table 1 below and in text on the next 2 pages.

Table 1: Headings, Definitions and Examples

Heading	Definition	Examples
Environmental Protection Goal	Desired endpoint towards which individuals and programs direct their efforts	Achieve Clean Water and Protect Aquatic Ecosystems:
Operational Goal	Statement or phrase that describes broad program efforts under an Environmental Protection Goal	Ensure that every public water supply consistently provides water that is safe to drink
Baseline Conditions	Statements of environmental conditions at the start of the PPA agreement period	98.67% of public water systems meet state and federal drinking water standards
Milestones	Clearly identified and measurable steps that track progress towards meeting a goal	By 2000, all Comprehensive Compliance Evaluations for all public water systems will be completed
What Needs To Be Done	One or more summaries of activity needed to achieve the Operational Goal	Protect water supply sources
Management Strategy	One or more statements telling how to achieve What Needs To Be Done	Monitor bacteria, turbidity, radioactivity, and chemical levels in water supplies
P-A-C-E-R Activities	Specific steps followed under Management Strategies, including <u>P</u> ermitting, <u>A</u> ssistance, <u>C</u> ompliance, <u>E</u> nforcement, <u>R</u> egulations and <u>E</u> nvironmental Monitoring	Continue conducting Comprehensive Compliance Evaluations

X. Organization and Format of the Agreement, continued

“P-A-C-E-R” Model

Activities for 2002 and 2003 are presented according to the “P-A-C-E-R” model which represents a variety of strategies to achieve environmental protection.

- P** — Permitting (direct permitting activity, certification activities)
- A** — Assistance (technical and financial assistance, education and training)
- C** — Compliance assurance (field inspections, review of reports, analyses, and monitoring data)
- E** — Enforcement (NONs, orders, penalties, and other higher level actions)
- R** — Regulation development (includes policy/program development and legislation)

Some operational goals also include “environmental monitoring” such as the monitoring of ambient air quality and the monitoring of water quality in rivers and lakes.

“P-A-C-E-R” Mix

The right combination of these variables will achieve the goals of a particular program or initiative. The combination may vary as a program or initiative matures (e.g., regulation/policy development or compliance assistance might be more dominant in the early stages of a new or newly redesigned program, followed by more emphasis on enforcement as the program matures). The mix on how these variables are used, can (and generally do) differ from one program or initiative to the next, and maybe even within various initiatives within single programs. The use of these variables will differ from program to program, and even within one program over time.

At DEP, the program staff developing the overall strategy for achieving an environmental protection goal ask standard questions, which include: what is the right mix of P-A-C-E-R? How might this change over time? Monitoring the effectiveness of the P-A-C-E-R combination selected will help direct changes in the mix when appropriate to achieve program goals. The PPA will, over time, reflect varying combinations of the P-A-C-E-R model as strategies to reach environmental protection goals are evaluated and changed.

XI. Environmental Indicators and other Performance Measures

Development of Core Performance Measures	DEP has participated with the Environmental Council of the States (ECOS) and EPA in developing and refining a set of Core Performance Measures which are supposed to provide a focused and limited set of priority measures, representing the essential measures of environmental and programmatic results needed to clearly communicate changes in the nation's public health and environmental conditions.
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Types of Core Performance Measures	<p>Core performance measures include three types of measures.</p> <ul style="list-style-type: none">• Environmental Indicators: quantitative measures of progress over time towards achieving environmental goals; they reflect, and are expressed as, changes in ambient concentrations of pollutants, pollutant uptake or body burden, or health, ecological or other effects of pollutants.• Program Outcomes: performance measures which represent quantifiable results of actions taken by the regulated community or general public in response to actions by environmental regulatory agencies; they can include things like the change in discharge quantities, changes in emissions, changes in compliance rates, and changes in recycling rates.• Program Outputs: actions taken by environmental regulatory agencies; they are specific activities or “beans” (i.e., permits issued, inspections, enforcement actions, public meetings, etc.).
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Reporting Requirements	Associated reporting requirements have also been identified for air and water. These reporting requirements are the subject of concern to ECOS. DEP is participating in ECOS’ effort to review these and identify those which should be kept, modified or deleted.
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Use of Core Performance Measures	DEP is incorporating the Core Performance Measures to the fullest extent possible. In addition, other measures which DEP seeks to use to gauge the efforts and results of its programs are also included in the description of environmental goals and strategies that follow.
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